

January 13, 2000

FDA Docket Clerk
Dockets Management Branch (HFA-305)
FDA
5630 Fishers Lane Room 1061
Rockville, MD 20852

Dear Sir or Madam:

The National Restaurant Association founded in 1919 is the leading trade association for the nation's \$354 billion restaurant industry comprised of over 815,000 restaurant locations. Our 38,000 members represent more than 185,000 individual full-service restaurants, quick-service units and cafeterias, institutions, hospitals, universities and military clubs.

The National Restaurant Association would like to comment on the Proposed Rule: Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content claims, and Health Claims, Docket No. 94P-0036, Federal Register, Volume 64, No. 221, pages 62745 – 62825. This proposed rule would require that the Nutrition Facts Panel of packaged foods include information about trans fatty acid content. It would also restrict the use of various nutrient content claims based on the level of trans fatty acids. The restaurant industry believes that consumers benefit from meaningful nutrition information in making informed food choices. However, we oppose the proposal to combine or count trans fatty acids as part of "saturated fat" for the purposes of restricting nutrient content claims. Our position is based upon the belief that this change does not provide meaningful information to the general consumer. We are responding to three critical areas for comment.

A. Scientific Basis for Proposal

It is premature to include trans fatty acids as saturated fat, particularly since research shows opposite effects of different fats with regard to heart disease risk.

FDA has acknowledged that the scientific evidence does not provide a definitive answer as to whether trans fatty acids have an effect on LDL cholesterol and coronary heart disease risk equivalent to saturated fats on a gram-for-gram basis. This is of potential significance given that the proposal would count trans fatty acids as saturated fat in connection with various defined nutrient content claims.

According to the position statement of the American Dietetic Association, the potential for trans fatty acids to accelerate the development of disease is unclear. It states that, "data derived from epidemiological and clinical studies addressing these issues have been inclusive, contradictory, and often overstated."

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We recommend that the FDA follow current nutritional guidance, which is based on the best scientific evidence to date, and which advises consumers to focus on total fat and saturated fat. As consumers eat less total fat, their consumption of saturated fat, as well as trans fat, is reduced. Thus, dietary modification to reduce total fat from 34% to 30% of energy intake, and saturated fat from 13% to 10% energy intake should be expected to decrease trans fat intake as well.

B. Nutrition Labeling of Trans Fatty Acids

We disagree with the approach to include the level of trans fatty acids in determining the percent daily value for saturated fat.

The proposed labeling of trans fatty acids on food products would likely contribute to consumers' concerns that particular foods may be less safe or nutritious than they expect. A majority of consumers do not have an adequate understanding of trans fat and the potential health effects to make a positive impact on their dietary choices. We believe that mandatory labels should give consumers meaningful information that is relevant to them. Additionally, since labeling is costly, it should only be used when it provides meaningful information and benefits clearly outweigh the costs.

The labeling of trans fat has a potentially negative effect on consumers' perceptions about foods because a label cannot adequately convey necessary information about this type of fat. The major sources of trans fatty acids are hard margarines and shortening used in frying and in preparing baked goods and other processed foods. However, trans fatty acids are found naturally in the body fat of ruminants such as cattle and sheep, and even in certain plants. The current intake of trans fat is estimated to be about 8 to 13 grams per day, or only about 2 to 4% of energy intake. Mandatory labeling foods with trans fat levels will therefore have little meaning to consumers without an educational component.

In light of the current scientific evidence, we recommend that labeling of trans fats not be pursued at this time. Furthermore, we recommend that the current labeling of total fat be maintained. Information about total fat will give consumers the best meaningful information to make an informed choice.

C. Effect on Nutrient Content Claims

Claims pertaining to the level of trans fatty acids in food products would be confusing and inappropriate for consumers.

The current dietary advice from the federal government includes guidelines to eat a variety of foods, and choose a diet low in fat, saturated fat, and cholesterol. Since the public's knowledge and understanding about trans fat is limited at best, we believe a statement about the level of trans fat would be interpreted as a warning.

The public needs more education to understand key concepts about diet and the role of specific fats. Guidelines from nutrition professionals include the concepts of moderation and balancing food choices. Premature labeling with trans fatty acids could have a potentially adverse impact on products that bear claims or brand names based on the level of saturated fat. We believe such labeling would simply add to consumers' perception that there are "good" foods and "bad" foods. The labeling of consumer foods with trans fat can lead to the very kind of confusion that labels are meant to prevent.

In summary, our concern is that labels touting that a product is trans fat-free would be misleading to consumers by suggesting that these products are superior to other products that may naturally contain trans fat.

We are committed to providing nutritious food choices to our customers. To this end, we have taken substantive steps to encourage the expansion of menus to offer a variety of options. Restaurants have risen to the growing demands of consumers, including greater demand for more nutritious foods, fresh ingredients, and fusion of flavors. We look forward to working with FDA in the future towards our common goal of educating consumers and making nutritious and wholesome food choices available.

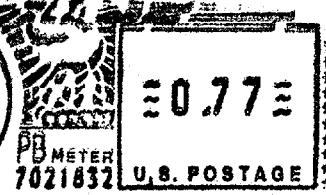
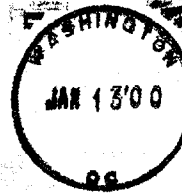
Please feel free to call on us with any questions you may have regarding this issue, at (202) 331-5986.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven F. Grover", written over a horizontal line.

Steven F. Grover
Vice President
Health and Safety Regulatory Affairs

Cc: Steven C. Anderson, President and Chief Executive Officer
Peter Kilgore, Senior Vice President of Operations and General Counsel
Lee Culpepper, Senior Vice President of Government Affairs and Public Policy
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Representing, Educating and Promoting the Restaurant/Hospitality Industry

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